

# STATE OF NEW YORK

S. 3688

A. 5415

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

February 12, 2019

IN SENATE -- Introduced by Sens. LAVALLE, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

IN ASSEMBLY -- Introduced by M. of A. THIELE, RAIA, JEAN-PIERRE, GALEF -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the navigation law and the insurance law, in relation to insurance rate reductions upon completion of a boating safety course or an advanced boating safety course

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 78-a of the navigation law, as added by chapter 160  
2 of the laws of 1990 and as further amended by section 104 of part A of  
3 chapter 62 of the laws of 2011, is amended to read as follows:

4 § 78-a. Insurance rate reduction. Any insurance carrier licensed to  
5 issue yacht or boating liability insurance in this state is authorized  
6 to grant rate reductions with the approval of the department of finan-  
7 cial services to any owner of a yacht or boat who has successfully  
8 completed a boating safety course or an advanced boating safety course  
9 or holds a valid United States Coast Guard operators license.

10 § 2. The insurance law is amended by adding a new section 2336-b to  
11 read as follows:

12 § 2336-b. Boat liability insurance rates; premium reductions in  
13 certain cases. (a) Any schedule of rates or rating plan for boat liabil-  
14 ity insurance submitted to the superintendent shall provide for an  
15 appropriate reduction in premium charges, as described in section seven-  
16 ty-eight-a of the navigation law, for any insured who has successfully  
17 completed a boating safety course or an advanced boating safety course  
18 which meets the requirements of part five of article four of the naviga-  
19 tion law and has been approved by the commissioner of parks, recreation

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 and historic preservation. The provisions of this section shall not  
2 apply to attendance at a course pursuant to sections forty-five or  
3 forty-nine of the navigation law as a result of any boating infraction.

4 (b) For the purposes of this section:

5 (1) the term "boat" shall mean any residential or pleasure vessel that  
6 is not a crew racing shell as defined in section two of the navigation  
7 law.

8 (2) the term "boating safety course" or "advanced boating safety  
9 course" shall mean a course of instruction or advanced course of  
10 instruction that has been approved by the commissioner of parks, recre-  
11 ation and historic preservation pursuant to section seventy-nine of the  
12 navigation law.

13 (3) the term "boating safety certificate" shall mean a document which  
14 cannot be altered and which is provided to a person who successfully  
15 completes a boating safety course or advanced boating safety course  
16 pursuant to section seventy-eight of the navigation law.

17 (c) An insurer, upon approval of the superintendent, may upon  
18 submission of a completion certificate by an insured, provide an actuar-  
19 ially appropriate reduction of the premium for such insured's yacht or  
20 boating liability insurance.

21 (d) The superintendent may establish, by rule or otherwise, standards  
22 or guidelines to be used by the superintendent when reviewing the  
23 proposed boating safety course or an advanced boating safety course.

24 § 3. This act shall take effect on the first of January next succeed-  
25 ing the date on which it shall have become a law. Effective immediately,  
26 the addition, amendment and/or repeal of any rule or regulation neces-  
27 sary for the implementation of this act on its effective date are  
28 authorized to be made and completed on or before such effective date.